

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201901840	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/22/2019	Location of Incident: East 58th Street and Madison Avenue	Precinct: 18	18 Mo. SOL 8/22/2020	EO SOL 4/8/2021	
Date/Time CV Reported Sat, 02/23/2019 3:37 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 02/28/2019 11:14 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Gregory Wilson	05642	962170	MTN PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Messiah Timmons	11865	964802	MTN PCT
2. SGT Jose Ramos	01917	940611	MTN PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Gregory Wilson	Abuse: Police Officer Gregory Wilson threatened to arrest § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On February 23, 2019, IAB Command Center received a 311-complaint filed by § 87(2)(b) on behalf of his father, § 87(2)(b). On February 28, 2019, this complaint was received at the CCRB. § 87(2)(b) did not witness this incident.

On February 22, 2019, at approximately 12:00 a.m., § 87(2)(b) a food vendor, called 911 to complain about another food vendor, § 87(2)(b) for blocking the sidewalk with his food cart at the corner of East 58<sup>th</sup> Street and Madison Avenue in Manhattan. Several minutes later, PO Gregory Wilson and PO Messiah Timmons, both of the 18<sup>th</sup> Precinct, arrived. PO Wilson approached § 87(2)(b) and said, “You are going to jail,” and, “You are going to be arrested. You have an order of protection against you” (**Allegation A: Abuse of Authority**, § 87(2)(g)).

As a result of this incident, § 87(2)(b) was not arrested, but was issued three summonses by PO Timmons: § 87(2)(b).

(BR 02).

The investigation was provided with two BWC recordings of this incident, which can be viewed from Investigative Actions #42 and #43.

### Findings and Recommendations

#### Allegation (A) Abuse of Authority: Police Officer Gregory Wilson threatened to arrest

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) (BR 01) stated that he and § 87(2)(b) have had ongoing disputes over the placement of their food vending carts at the incident location. On an unspecified date, § 87(2)(b) obtained an order of protection against § 87(2)(b) for which § 87(2)(b) has been arrested several times prior to this incident. During one of the arrests, § 87(2)(b) was informed by a judge that his case was dismissed and that the order of protection was no longer valid. § 87(2)(b) later learned that the order of protection was still listed as being valid in the NYPD system. On the incident date, § 87(2)(b) was conducting business at the incident location when he noticed § 87(2)(b) obstructing the sidewalk with his food cart. § 87(2)(b) called the police to complain about § 87(2)(b). § 87(2)(b) was working alone at the time of this incident.

Several minutes later, PO Wilson and PO Timmons arrived. § 87(2)(b) recognized PO Wilson, because the latter had previously arrested him. PO Wilson immediately approached § 87(2)(b) and said, “You are going to jail,” and, “You are going to be arrested. You have an order of protection against you.” § 87(2)(b) told PO Wilson that the order of protection was no longer valid in the court system. PO Wilson told § 87(2)(b) that he checked the NYPD system, which indicated that the order of protection was still valid. PO Wilson called his supervisor to the location and Sgt. Jose Ramos, of the 18<sup>th</sup> Precinct, arrived. Sgt. Ramos spoke to § 87(2)(b) and asked him to leave the scene, because § 87(2)(b) had the order of protection against him. § 87(2)(b) refused to leave, stating that the order of protection was no longer valid. Sgt. Ramos again asked § 87(2)(b) to leave and mentioned that his food cart was too close to the sidewalk. § 87(2)(b) refused to leave. Sgt. Ramos then instructed PO Timmons to summons § 87(2)(b) which he did (BR 02 and BR 08). Shortly afterwards, the officers left.

PO Wilson’s BWC (BR 03) does not capture the alleged threat of arrest. The video begins with § 87(2)(b) handing a document, presumably the order of protection, to PO Wilson, who is standing in front of § 87(2)(b)’s food cart. This part of the video does not contain an audio

component. At 00:28, PO Wilson approaches § 87(2)(b)'s cart and asks § 87(2)(b) to stop cooking. At 00:43, PO Wilson says to § 87(2)(b) "What is going on?" § 87(2)(b) replies, "You want to arrest me? Arrest me. I did nothing," while crossing his wrists. PO Wilson replies, "You know that you are not supposed to be here." § 87(2)(b) then explains to PO Wilson that he went to court and was informed that the order of protection is no longer valid. At 1:34, PO Wilson returns to his marked SUV. At 1:55, the video captures PO Timmons sitting in the front passenger seat. At 5:52, PO Wilson calls Sgt. Ramos and says to him, "I got that order of protection. You know about their situation? One guy has an order of protection against another guy. But the last two times we locked him up, the court registry showed that it is not a valid order of protection. But, in the NYPD system, it is valid. The last two times we locked him up, the order of protection got DP... The guy is clearly out of his work place. He is clearly not supposed to be here." At 11:33, PO Wilson returns to § 87(2)(b) and asks him to shut down a power generator. He then asks § 87(2)(b) why he is parked on the fire hydrant. § 87(2)(b) replies, "Because he § 87(2)(b) is not moving." At 20:36, Sgt. Ramos arrives and PO Wilson informs him about the situation with the order of protection. At 23:17, Sgt. Ramos walks over to PO Wilson and instructs him to summons both food vendors.

PO Wilson (BR 04) provided a generally consistent account with that of his BWC recording, with the following additional information. PO Wilson acknowledged arresting § 87(2)(b) before. PO Wilson was aware that § 87(2)(b)'s order of protection was not valid in the court system, but that the NYPD registry showed it being active. PO Wilson did not intend to arrest anyone during the incident. PO Wilson attempted to mediate the dispute between § 87(2)(b) and § 87(2)(b) but his attempts failed. PO Wilson then called Sgt. Ramos to the location. Sgt. Ramos arrived and instructed him and PO Timmons to summons both vendors for various OATH violations, which they did. PO Wilson denied saying to § 87(2)(b) "You are going to jail," and, "You are going to be arrested. You have an order of protection against you." PO Wilson denied threatening to arrest or hearing any officer threatening to arrest § 87(2)(b) for violating the order of protection. After reviewing his BWC recording, PO Wilson stated that § 87(2)(b)'s statement "You want to arrest me? Arrest me. I did nothing," was made by § 87(2)(b) spontaneously. PO Wilson denied having any prior conversation with § 87(2)(b) that prompted him to make this statement.

Order of Protection § 87(2)(b) (BR 05) was issued by § 87(2)(b) to § 87(2)(b) against § 87(2)(b) on § 87(2)(b) and lists that it remains in effect until and including § 87(2)(b).

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

#### **Civilian and Officer CCRB Histories**

- § 87(2)(b) has been party to four CCRB complaints and has been named a victim in six allegations (BR 06):

- § 87(2)(b)
- [REDACTED]

- § 87(2)(b) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- PO Gregory Wilson has been a member of service for two years and this is the first CCRB complaint to which he has been a subject.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) [REDACTED] declined to mediate this complaint.
- A FOIL request was sent to the NYC Comptroller on April 29, 2019, for any Notice of Claim filed in regard to this incident. The results of the request will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
- [REDACTED]

Squad No.: 4

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date